

Application No. 10/743,152  
Amendment dated September 19, 2007  
Reply to Office Action of July 3, 2007

Docket No.: 2936-0206P

**AMENDMENTS TO THE DRAWINGS**

The attached sheet(s) of drawings includes changes to change the word “RETUEN” to “RETURN” in each of Figures 12 and 16.

Attachment:      Replacement sheets

**REMARKS**

Claims 1-41, 43 and 45-47 are pending in the above application. By the above amendment, claims 42 and 44 have been cancelled.

The Office Action dated July 3, 2007, has been received and carefully reviewed. Each issue raised in that Office Action is addressed below, and reconsideration and allowance of claims 1-41, 43 and 45-47 is respectfully requested in view of the following remarks.

**DRAWING OBJECTIONS**

The drawings were objected to due to a typographical error in two of the Figures. The word “RETUEN” has been changed to “RETURN” on the enclosed Replacement Sheets showing Figures 12 and 16. The withdrawal of the drawing objection is therefore respectfully requested.

**CLAIM OBJECTIONS**

Claims 1-47 are objected to for including the abbreviation “AV.” It is respectfully submitted that the term “AV” is well known to those of ordinary skill in the art and its meaning will be understood by those of ordinary skill in the art. However, to advance the prosecution of this application, the term “audiovisual” has been added to claim 1 as requested by the examiner.

The Office Action also objects to the use of the phrases “transmission/reception,” “transmits/receives,” and “transmitted/received.” It is respectfully submitted that applicant can be its own lexicographer, and Applicant has referred to a particular unit in the specification as a “transmission/reception” unit. This phrase is the name or identifier of the unit, and accurately identifies the particular element. Applicant therefore respectfully traverses the requirement that the name of this particular element be changed. The phrases “transmits/receives” and “transmitted/received,” however, have been changed to replace the “/” with the word “and.”

**REJECTION UNDER 35 U.S.C. 101**

Dependent claim 4 is rejected under 35 U.S.C. 101 as not being directed to statutory subject matter. The basis for this rejection cannot be understood from the Office Action. First, it

is noted that claim 3 from which claim 4 depends is not rejected under 35 U.S.C. 101. The examiner therefore appears to consider claim 3 to be drawn to statutory subject matter. It is not clear how a dependent claims, which includes all the limitations of the claim from which it depends can fail to be statutory when it depends from a statutory claim. Furthermore, each of claims 3 and 4 are directed to an “AV data transmitter” which is a machine under the terms of 35 U.S.C. 101. The rejection of claim 4 under 35 U.S.C. 101 is therefore respectfully traversed. If this rejection is not withdrawn, it is respectfully requested that the examiner explain 1) why this dependent claim directed to an AV data transmitter is non-statutory and 2) how the statement “the last step of the claim does not include a result if the determination step is negative” has any bearing on whether this claim directed to an AV data transmitter is statutory.

#### REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Eskicioglu. As amended, claim 1 recites an AV data transmitter that includes a plurality of receiver key signals for encrypting AV data, each signal being associated with a single one of a plurality of AV data receivers. The transmitter selects a single one of the receiver keys associated with one of the AV receivers and uses it to encrypt AV data so that only that AV data receiver can decrypt the AV data. Eskicioglu shows a system in which digital televisions receive AV data from broadcasters. There is no suggestion in Eskicioglu that the broadcaster stores receiver key signals associated with a single one of a plurality of AV receivers. Moreover, there is no suggestion in Eskicioglu that broadcasters encrypt AV data so that only a single AV data receiver associated with a particular key code can decrypt that data. Each element of claim 1 as amended is not present in Eskicioglu, and claim 1 is submitted to be allowable over Eskicioglu for at least this reason.

Claim 2 depends from claim 1 and is submitted to be allowable for at least the same reasons as claim 1. Claim 2 further distinguishes over Eskicioglu by reciting that the AV data transmitter receives a “changeover request signal” requesting that the data communication key signal be changed over to a different one of the receiver key signals. Since the Office Action appears to be interpreting Eskicioglu’s broadcasters as corresponding to the claimed AV data transmitter, these broadcasters must receive a “changeover request signal” in order to meet the

limitations of claim 2. Nothing in Eskicioglu suggests that Eskicioglu's broadcasters will receive a changeover request signal or change from one receiver key to a different receiver key based on such a signal. The Office Action refers to a smart card in the rejection, but the smart card is part of the subscribers' set top box or digital TV and is not part of the AV data transmitter. Nothing in Eskicioglu suggests that a broadcaster ever receives a changeover request signal and changes an encryption key being used in response to such a signal. Eskicioglu in no manner suggests an AV data transmitter receiving a changeover request signal, and claim 2 is submitted to be allowable over Eskicioglu for at least this reason.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eskicioglu. Claim 3 recites an AV data transmitter that includes, inter alia, a key signal changeover control unit. This unit stores a plurality of keys and can change a data communication key signal in a key storage unit. The transmitter includes a transmission/reception unit that receives a changeover request signal requesting that a communication key signal be changed, the AV data transmitter determines whether the request came from an AV data receiver authorized to communicate with the AV data transmitter, and the transmitter changes a receiver key to the receiver key for that AV data receiver if the receiver is authorized. Nothing in Eskicioglu suggests that the broadcasters receive changeover request signals, make a determination regarding whether the changeover request signal is authorized or change a key being used in response to such a request. Claim 3 is submitted to distinguish over Eskicioglu for at least these reasons.

If this rejection is not withdrawn, it is respectfully requested that the examiner explain more clearly where Eskicioglu shows an AV data transmitter that includes a transmission/reception unit and a key signal changeover control unit responsive to changeover requests as claimed. The ECM of paragraph 0106 referred to in the Office Action tells a receiver how to decrypt signals, but this paragraph does not show where a key signal changeover control unit can be found at Eskicioglu's broadcaster or how the broadcaster changes key signals in response to a request.

Claims 4-12 depend from claim 3 and are submitted to be allowable for at least the same reasons as claim 3.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Eskicioglu. Claim 13

is rejected together with claim 1 but is not separately discussed in the Office Action. Claim 13 is directed to an AV data receiver while claim 1 is directed to an AV data transmitter, and thus the specific rejection of claim 1 has little relevance to the rejection of claim 13. Claim 13 recites a AV data receiver. According to the interpretation of Eskicioglu used in the Office Action, it appears that Eskicioglu's digital televisions are being interpreted as corresponding to the claimed receivers. Nothing in Eskicioglu suggests that digital televisions transmit changeover request signals for requesting that the broadcasters use a different communication key signal. Claim 13 is submitted to be allowable over Eskicioglu for at least this reason.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Eskicioglu. Claim 14 recites an AV data receiver that includes, inter alia, a data generation unit that generates a changeover request signal. Eskicioglu's digital television does not generate a changeover request signal requesting the broadcaster to change the key being used for transmission. Claim 14 is submitted to be allowable over Eskicioglu for at least this reason.

Claims 15-28 depend from claim 14 and are submitted to be allowable for at least the same reasons as claim 14.

Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Eskicioglu. Claim 29 recites an AV data wireless communication system comprising an AV data transmitter and an AV data receiver. By the above amendment, claim 29 has been revised to more clearly define a system in which the AV data transmitter stores receiver keys for each of a plurality of AV data receivers and which selects one of the receiver key signals so that only a single AV data receiver to which the AV data transmitter is to transmit the AV data can decrypt the AV data. Nothing in Eskicioglu suggests the selection of an encryption key for allowing only one digital television set to decrypt a transmitted signal. Claim 39 as amended is submitted to be allowable over Eskicioglu for at least this reason.

Claim 30 depends from claim 29 and is submitted to be allowable for at least the same reasons as claim 29. Claim 30 further recites that the AV data receiver transmits a changeover request signal for requesting that the data communication key signal be changed over to one of the receiver key signals for the AV data receiver. As discussed above, Eskicioglu does not show or suggest the use of a changeover request signal or a receiver that transmits a changeover

request signal, or a transmitter that changes a communication key based on a request from a data receiver. Claim 30 is submitted to be allowable over Eskicioglu for at least these reasons.

Claims 31-38 depend from claim 29 and are submitted to be allowable for at least the same reasons as claim 29.

Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Eskicioglu. Claim 39 recites an AV data transmitter that stores a plurality of encryption keys for encrypting AV data. Each of the encryption keys corresponds to one of a plurality of AV receivers. In response to a request from a first one of the plurality of AV receivers, the AV data transmitter selects from the plurality of encryption keys an encryption key corresponding to the first one of the selected AV receivers, encrypts the AV data using the selected encryption key, and transmits the encrypted data to the first one of the selected AV receivers. Eskicioglu in no manner shows or suggest an AV receiver that requests an AV transmitter to select an encryption key corresponding to that receiver. Claim 39 is submitted to be allowable over Eskicioglu for at least this reason.

Claim 40 is rejected under 35 U.S.C. 102(b) as being anticipated by Eskicioglu. Claim 40 recites an AV data receiver including a changeover request transmitter for sending a changeover request signal. Eskicioglu does not show AV receivers having changeover request transmitters as claimed. Eskicioglu's digital televisions do not request that a broadcaster change the encryption key being used to an encryption key for that television set. Claim 40 is submitted to be allowable over Eskicioglu for at least this reason.

Claim 41 is rejected under 35 U.S.C. 102(b) as being anticipated by Eskicioglu. Claim 41 as amended recites an AV data wireless communication system that includes a first AV data receiver storing a first encryption key, a second AV data receiver storing a second encryption key, and an AV data transmitter storing the first and second encryption keys. When the AV data transmitter is encrypting using the first key and receives a request from the second transmitter to begin encrypting with the second key, the AV data transmitter change to the second key and begins encrypting and transmitting data with the second key. Eskicioglu in no manner suggests a second AV data receiver that can request that an AV data transmitter change encryption keys. Claim 41 is submitted to be allowable over Eskicioglu for at least this reason.

Claims 42 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Eskicioglu. By the above amendment, the limitations of claim 42 have been added to claim 43, and claim 42 has been cancelled. Claim 43 recites a method of transmitting AV data that includes steps of encrypting and transmitting AV data, receiving a request to change an encryption key to a different encryption key, and if the different key is one of a plurality of stored encryption keys, encrypting AV data using the different key. Eskicioglu does not show or suggest at least the step of requesting that an AV transmitter change an encryption key. Claim 43 is submitted to be allowable for at least this reason.

Claim 45-47 depend from claim 43 and are submitted to be allowable for at least the same reasons as claim 43.

#### REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eskicioglu in view of Freeman. Claims 11 and 12 depend from claim 3. Freeman does not address the shortcomings of Eskicioglu discussed above in connection with claim 3. Claims 11 and 12 are therefore submitted to be allowable for at least the same reasons as claim 3.

Claims 20, 24, 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eskicioglu in view of Freeman. Each of these claims depends from claim 14. Freeman does not address the shortcomings of Eskicioglu discussed above in connection with claim 14. Claims 20, 24, 25, 27 and 28 are therefore submitted to be allowable for at least the same reasons as claim 14.

Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eskicioglu in view of Freeman. Claims 36-38 depend from claim 29. Freeman does not address the shortcomings of Eskicioglu discussed above in connection with claim 29. Claims 36-38 are therefore submitted to be allowable for at least the same reasons as claim 29.

#### CONCLUSION

Each issue raised in the Office Action dated July 1, 2007, has been addressed, and it is believed that claims 1-41, 43 and 45-47 are in condition for allowance. Wherefore,

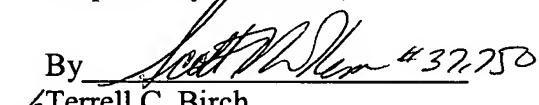
reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: September 19, 2007

Respectfully submitted,

By   
Terrell C. Birch

Registration No.: 19,382  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachments